

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MONTEL PETTIFORD,

Petitioner,

Case Number: 2:13-CV-15132

v.

Honorable Patrick J. Duggan

WILLIAM SCHUETTE,

Respondent.

OPINION AND ORDER

**(1) DIRECTING CLERK OF COURT TO RE-FILE
PETITION FILED IN CASE NUMBER 2:13-CV-15132 IN CASE
NUMBER 2:11-CV-12025; AND (2) DISMISSING CASE
NUMBER 2:13-CV-15132**

This habeas corpus proceeding, in which Petitioner Montel Pettiford challenges his conviction in 2008 for first-degree premeditated murder, was originally assigned to the Honorable Bernard A. Friedman. The matter was transferred to the undersigned as a companion to Case Number 2:11-cv-12025 (hereafter “2011 case”). (ECF No. 4.) The habeas petition filed in the 2011 case challenged the same conviction at issue in the pending petition. On April 5, 2012, at Petitioner’s request, the undersigned entered an order staying proceedings in the 2011 case to allow Petitioner to exhaust state court remedies and administratively closed the case. *See Op. and Order Holding Pet. in Abeyance, Pettiford v. Howes*,

No. 11-12025 (E.D. Mich. Apr. 5, 2012), ECF No. 11. The Court imposed certain conditions on the stay, including directing Petitioner to return to this Court after exhausting his state court remedies– if he was unsuccessful– with “an amended petition and a motion to lift the stay, using the same case number and caption that appears on th[e] order [i.e. Case No. 11-12025].” *Id.* The Court construes the petition filed in 2013 as a motion to reopen the 2011 proceedings.

The Court, therefore, **ORDERS** the Clerk of the Court to re-file the petition filed in the above-captioned case in Case Number 2:11-cv-12025. The Court will separately address whether the request to re-open the 2011 case should be granted. The Court further **ORDERS** that Case Number 2:13-cv-15132 is **DISMISSED**.

Dated: March 3, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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AAG Anica Letica